

REMARKS

Claim 13 has been amended for greater clarity. The claim amendments are fully supported by Applicants' specification (e.g., page 12, lines 2-18; page 15, lines 26-29; page 38, lines 16-24; page 51, lines 14-17; and Examples 11-12 on pages 83-84). No new matter has been introduced.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 13, 16, and 32-38 are rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Ruoslahti et al. (U.S. Patent No. 5,654,270). Applicants respectfully traverse this rejection.

Specifically, the Examiner asserts that "the limitation describing the cell as 'in need of activation of membrane' does not affect the scope of the claimed subject matter because it is not clear what constitutes a cell's need of activation of a membrane." Office Action, page 3, lines 18-21.

Applicants respectfully submit that the specification amply teaches the use of a biglycan therapeutic in treating disorders including conditions associated with defective clustering of acetylcholine receptor (AChR) (e.g., page 12, lines 2-18; page 15, lines 26-29; page 38, lines 16-24; page 51, lines 14-17; and Examples 11-12 on pages 83-84). In view of the teachings of the specification, one of ordinary skill in the art would appreciate what constitutes a cell's need of activation of a membrane in the claimed invention.

Nevertheless, solely for greater clarity, Applicants have amended independent claim 13 to specify that the cell exhibits defective clustering of acetylcholine receptor (AChR). The amendments are made solely to expedite prosecution of the application, and Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications.

Applicants submit that Ruoslahti et al. do not anticipate the present invention. Ruoslahti et al. at least fail to teach or suggest a method which involves use of a cell exhibits defective clustering of acetylcholine receptor (AChR) as recited in the claimed method. Further, Applicants submit that the Examiner has provided no evidence or reasoning that cells which exhibit defective clustering of

AChR were included in the methods of Ruoslahti et al. Absent such evidence or reasoning, there is no basis for stating that the claimed method was inherently practiced by Ruoslahti et al.

For these reasons, Ruoslahti et al. do not expressly or inherently anticipate the instant claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections under 35 USC § 112, Second Paragraph

Claims 13, 16, 32, and 34-39 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that claim 13 is vague and indefinite for the recitation "a cell as in need of activation of membrane."


As described above, Applicants have amended independent claim 13 to clarify that the cell exhibits defective clustering of acetylcholine receptor (AChR). Applicants have deleted the recitation "a cell as in need of activation of membrane," thereby rendering the rejection moot. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (617) 951-7000. If a fee is due, please charge our Deposit Account No. 18-1945, under Order No. **BURF-P02-006**.

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Respectfully submitted,

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